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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 03-010

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

#### 2. Form, Style and Placement in Administrative Code

- a. Since the applicability of the definitions in s. HFS 39.03 is established by “In this chapter:”, it is not appropriate to use “. . . as defined in s. HFS 39.03 . . .” elsewhere in the chapter. See ss. HFS 39.03 (21) and 39.05 (1) (b).
- b. In s. HFS 39.10 (5), par. (1) should be referred to as par. (L).

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In s. HFS 39.01, “can” should be replaced with “may.”
- b. In s. HFS 39.02, it may be clearer to replace “incidents of newborns relinquished” with “the relinquishment of newborns.”
- c. In s. HFS 39.03 (6), “ss.” should be replaced with “s.”
- d. In s. HFS 39.03 (7), “the act of” should be deleted. Also, “the physical custodian” should be replaced with “a physical custodian.”
- e. In s. HFS 39.03 (13), a hyphen should be inserted between “Hospital” and “provided.” This comment also applies to s. HFS 39.07 (1). Also, “that” should be inserted before “the department.”
- f. In s. HFS 39.03 (14) (c) and (f), “has been granted a license” could be replaced with “is licensed.”

g. In s. HFS 39.03 (17), “to provide” should be replaced with “and provides.”

h. In s. HFS 39.03 (25), “the act of a parent voluntarily giving” should be replaced with “to voluntarily give.” The requirement that the relinquishment be done by a parent is clear from the provisions of the rule relating to the relinquishment procedure.

i. In s. HFS 39.08 (2) (intro.), “exist” should be replaced with “exists.”

j. In s. HFS 39.08 (3), “into providing” should be replaced with “to provide.” Also, “any one of the circumstances in sub. (2) (a) and (b) exist” should be replaced with “the circumstances in sub. (2) (a) or (b) exist.”

k. In s. HFS 39.08 (6), “prescribed by law, licensure, or certification to be performed by . . . hospital staff member” should be replaced with “prescribed by law or under his or her licensure or certification.”

l. In s. HFS 39.10 (5) (n), all of the commas should be deleted.

m. In s. HFS 39.13, “who” should replace “that.”